

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - - - -

Abbie Shibe,) Judge Solomon
) Oliver, Jr.
Plaintiff,)
)
vs.)
) Case No.
Cardinal Credit Union, Inc.,) 1:21-cv-01436-
) SO
Defendant.)

- - - - -

Deposition of:
ABBIE SHIBE
Appearing Remotely from
Cuyahoga County, Ohio

March 7, 2022
2:32 p.m.

Reporter: Kristin Wegryn, RMR, CRR
Appearing Remotely from
Cuyahoga County, Ohio

1 Q. Okay. What was the -- with COVID and
2 the pandemic, what was it like in the financial
3 field market for employment during those
4 immediate months after COVID hit?

5 A. Well, I think the job market overall was
6 at a standstill because of the unknown of COVID.
7 So it was -- the jobs in general were few and far
8 between for the first few months.

9 Q. Okay. How did, how did the COVID -- it
10 seems like a long time ago, two years ago now,
11 but the -- when we were having the shutdown
12 orders, how did those shutdown orders impact the
13 Ohio banks?

14 A. How did the shutdown orders impact the
15 Ohio banks?

16 Q. Yeah.

17 Well, do you recall what I'm talking
18 about, how Governor DeWine set forth essential
19 businesses, nonessential businesses, and work
20 restrictions for essential businesses?

21 A. So you say banks as a general term. Are
22 you referring to Cardinal or overall banks in
23 general?

24 Q. I'm just asking you in general first.

25 A. Oh, so, in general, personally, I bank

1 with a couple of different banks. We had to use
2 the drive-through and the lobbies were closed for
3 a period of time. Some of the hours were
4 restricted, depending upon what branch. And then
5 the lobbies opened by appointment and they
6 eventually got back to, you know, doing business
7 as usual.

8 Q. Okay. Okay. So as to Cardinal, did the
9 same type of restrictions apply to Cardinal?

10 A. I can tell you that the talks of what
11 was going to happen prior to me being terminated
12 was that we were going to go to an A and B team
13 and the A group would be in certain days and B
14 would be at home, and then they would switch. So
15 they were going to have some work from home and
16 they were going to have some work from the lobby.

17 Q. Okay. I take it that it was expected
18 that customers would not be coming into the
19 branches?

20 A. I believe at that time it was going to
21 either be by appointment only or they were going
22 to do drive-through only.

23 Q. Okay. Do you know what ultimately
24 happened with Cardinal and with respect to how
25 they dealt with the COVID restrictions?

1 A. Do I ultimately know? Is that what
2 you're asking?

3 Q. Yes. Yes.

4 A. I do not.

5 Q. You don't know?

6 A. I do not.

7 Q. Okay. So as to -- or what were your
8 dates of employment at Cardinal?

9 A. December of '18 through March of '20.

10 Q. Okay. And tell me, where did you work
11 immediately prior to Cardinal?

12 A. Prior to Cardinal, I worked for US Bank.

13 Q. Okay. What did you do for US Bank in
14 that capacity?

15 A. In that capacity, I was a branch
16 manager.

17 Q. Okay. How long?

18 A. I was a branch manager for US Bank a
19 couple of different times. That particular time,
20 I had previously to that been the site operations
21 manager for US Bank Home Mortgage, which was
22 located in Rockside, and managed the mortgage
23 group. They had made a decision to take our
24 group and to move it to Minnesota where the
25 headquarters were, so we all lost our jobs there.

1 and I want to say Sun -- Sun something. Anyway,
2 there was a merger and then we lost -- I had lost
3 my job and I went over to Regions.

4 Q. Okay. Okay. As to -- I guess, I guess
5 let me ask you as to just in general as a branch
6 manager. And I'm sure that each bank or credit
7 union you worked for would be a little bit
8 different.

9 But, in general, it would seem to me,
10 from an outsider standpoint, that a branch
11 manager would be I guess an important and
12 potentially difficult job.

13 Would you agree with that?

14 A. Yeah, I would agree with that.

15 Q. And I say that because, one, I'm
16 assuming you have some type of employee
17 supervision, employee management portion of your
18 duties, right?

19 A. Yes.

20 Q. And then, two, I'm assuming you have to
21 make sure that you comply with all of the state
22 and federal banking regulations?

23 A. Correct.

24 Q. And then, three, I'm assuming you're
25 trying to be a profitable bank?

1 A. Correct.

2 Q. Anything else in big picture other than
3 those three?

4 A. I think those are the three targets.

5 Q. Okay. And I'm assuming that not
6 everybody succeeds as a branch manager. You've
7 been in banking for 30 years, but being a branch
8 manager may bring with it -- you could be in a
9 bad branch. You could be in a difficult
10 environment. You could just be -- I guess just
11 have a team that maybe isn't up to par, right?
12 There's lots of --

13 A. Correct.

14 Q. -- factors.

15 So tell me the difference, if you may,
16 just in general, did you -- am I correct as to
17 whether your Wachovia, Regions, Cardinal, or US
18 Bank, that some of the ways of doing business
19 would be different as a branch manager?

20 A. Yes. There are certain differences
21 between a bank overall from a credit union to a
22 bank. Different banks do -- you know, have
23 different programs and the different ways that
24 they manage. Each of them have, you know, their
25 uniqueness, I would say, but similarities, as

1 well.

2 Q. Okay. How about, I guess, the demands
3 on the branch managers? We talked about I think
4 four of them now: Regions, Wachovia, Cardinal,
5 US Bank.

6 Where would Cardinal fall, in your view,
7 as to the demands on a branch manager between
8 those four?

9 A. The demands on the branch manager at
10 Mentor, I mean, it is the district office. It's
11 a large office. So the demands are high. It's
12 busy. Lots of -- a lot -- customer -- a large
13 customer base.

14 Q. Okay.

15 A. We have, you know, anywhere from I
16 believe four to five, you know, employees on your
17 platform and, you know, seven or eight tellers
18 that you're responsible for. So it was a larger
19 branch.

20 Q. Okay. Was it the largest branch that
21 you had managed?

22 A. No. It was about equal to the size I
23 had managed previously in multiple locations.

24 Q. Okay. Where?

25 A. At Wachovia, at US Bank.

1 for Cardinal and it was a place he enjoyed
2 working and that he understood they had an
3 opening and they were looking for a branch
4 manager and was happy to pass my résumé along.

5 Q. Okay. Okay. And who did you interview
6 with?

7 A. I interviewed with Mario and Christine.

8 Q. Okay. Who is Mario?

9 A. Mario at the time was the district
10 manager.

11 Q. Okay. What is Mario's last name?

12 A. I couldn't spell it for you, but...

13 Q. Okay. What was his position when you
14 left?

15 A. When I left, Mario was I think a cross
16 between the district and taking over a new role.

17 Q. Okay. And Christine who?

18 A. Christine Blake.

19 Q. Okay. What was her role?

20 A. CEO.

21 Q. Okay. Did you interview with anybody
22 else?

23 A. Cindy, also, the HR rep.

24 Q. Okay. Do you know Cindy's last name?

25 A. I don't recall.

1 Q. Okay. Was Cindy still there when you
2 left?

3 A. She was.

4 Q. Okay. And you were given an offer of
5 employment with Cardinal?

6 A. Correct.

7 Q. Okay. What position were you offered?

8 A. I was offered the branch manager of the
9 Mentor office.

10 Q. Okay. Did you have an understanding of
11 why it was open, why the position was open?

12 A. I don't recall why the position was open
13 when I took on the job.

14 Q. Okay. And approximately when did you
15 start?

16 A. December of '18.

17 Q. Okay. December of 2018, you came in as
18 branch manager of the Mentor branch of Cardinal,
19 right?

20 A. Correct.

21 Q. Okay. And I guess -- tell me about --
22 who did you report to as the branch manager?

23 A. To Mario, the district manager.

24 Q. I'm sorry. Is that the whole time?

25 A. Yes.

1 manager.

2 Oh, I take it back. I retract that.

3 Yes, a manager of Lakeland was a woman by the
4 name of Gretchen.

5 Q. Okay.

6 A. I can't remember her last name. And
7 then it was, it was taken over by a gentleman by
8 the name of Robert.

9 Q. Okay. Do you know any of the other
10 branch managers in 2019 aside from the Willoughby
11 and Lakeland?

12 A. Meghan was a branch manager in Ashtabula
13 area.

14 Q. Okay.

15 A. And I can't recall the lady's name in
16 Austintown, but it was a female.

17 Q. Okay. So when you came on board, five
18 branches, three or four female branch managers?

19 A. Three, to my knowledge. It would be
20 myself, Meghan, and the Austintown.

21 Q. Okay. And you think the other two were
22 male?

23 A. Well, Gretchen -- Gretchen was actually
24 a female. She was Lakeland's manager. So that
25 would be four.

1 Q. You were hired there --

2 A. Yeah. Willoughby, I was not certain of
3 who was the manager prior to.

4 Q. Okay. So when you were hired, there was
5 at least four female branch managers?

6 A. Correct.

7 Q. Okay. What's the -- like in Mentor, did
8 you have -- was it primarily male staff? What
9 would be the breakdown?

10 A. In regards to the branch staff?

11 Q. Yeah, the branch employees.

12 A. On my platform, I had about 50/50.

13 Q. Okay.

14 A. And on the teller line, all females and
15 one male.

16 Q. Okay. Okay. And so I guess with the
17 banking, did -- would Cardinal -- what would you
18 say primarily -- [unintelligible] -- female
19 employees overall or --

20 THE REPORTER: I'm sorry. Say that
21 again. Primarily...

22 Q. With Cardinal, would you say that
23 Cardinal was primarily -- or not primarily --
24 majority female employees?

25 A. When you say "Cardinal," you're talking

1 about the entire group?

2 Q. Yeah, to your knowledge.

3 A. Myself?

4 Q. Yeah.

5 A. I wouldn't go so far to say "primarily
6 female," no, I would not.

7 Q. And I'd change that to "majority."
8 Would you go so far as to say "majority"?

9 A. I guess that would be a fair assessment,
10 yes.

11 Q. Okay. Okay. So you're hired. What
12 did -- I guess tell me, what did you think of
13 Mario?

14 A. What did I think of Mario?

15 Q. Yeah. Was he a good manager? Bad
16 manager?

17 A. Mario was a busy guy. He was there if
18 you had a question, but he had a lot of
19 responsibility.

20 Q. Okay. A good manager, or no?

21 A. In regards to?

22 Q. I'm just asking you.

23 I mean, was he a -- did you think he was
24 good? Bad? Indifferent? I mean, average?
25 Where would you put him as -- I mean, you've had

1 Q. Okay. And that's where I was going to
2 get to. From an outside point of view, it looks
3 like Ms. Blake and the Cardinal management team
4 are -- they do have high expectations as to
5 customer service; is that a fair assessment?

6 A. I would say in the credit union
7 experience overall.

8 Q. What do you mean by that?

9 A. So when a -- when a member would come
10 into the credit union, you know, the expectation
11 would be that, you know, they had a good
12 experience from the start to the finish. And,
13 you know, from -- the difference between a bank
14 and a credit union, there's many.

15 But, you know, we, we were dealing with
16 members. We weren't dealing with people that
17 were numbers. And, you know, we had a
18 relationship with those individuals. So, yes, it
19 was a more personalized approach.

20 Q. Okay. And that's good.

21 Were there guidelines or expectations as
22 to response time to member questions or concerns?

23 A. Yeah, we had guidelines in regards to
24 concerns or returning phone calls and getting
25 back to our members.

1 Q. What were those? What do you recall?

2 A. Within 24 hours.

3 Q. Okay. Was that something that they just
4 would say, or is that something that they would
5 enforce?

6 A. It really depended on the day, to be
7 honest with you.

8 Q. What do you mean by that?

9 A. Well, I mean, obviously, we want to make
10 sure that we're getting back to our customers as
11 quick as possible and that, you know, we get that
12 answer to them, whether it's via voicemail or
13 you're playing telephone tag. You're making
14 those attempts.

15 The Mentor branch is a very busy branch,
16 so we are with customers or members pretty much
17 from the time we open the door until the time we
18 close the door. So some of those things are done
19 after hours.

20 Q. Okay. But I'm assuming that you do it
21 after hours in order to meet that 24-hour time
22 frame?

23 A. Absolutely, you would.

24 Q. Okay. My question to you is whether
25 management enforced the 24-hour rule or whether

1 A. Yes.

2 Q. Okay. Diversity. What was your
3 understanding, understanding of the diversity
4 policy?

5 A. My understanding is that, you know, we
6 didn't discriminate against any gender, and we
7 hired for specific reasons on talent and not
8 anything else.

9 Q. Okay. Let's continue on.

10 Employment at will, I think we
11 understand that. Let me take you to the Equal
12 Employment Opportunity policy. What did you
13 understand this policy to be?

14 A. Basically, what it says. I mean, equal
15 opportunity employment.

16 Q. Okay.

17 A. For either accommodations or any type
18 of, you know, nondiscriminatory -- all those
19 things.

20 Q. Okay. We see here reporting violations.
21 You understood that you could go to HR or to
22 Ms. Blake or to your manager if there was any
23 issues?

24 A. If I had an issue, I would go to my HR,
25 yes.

1 Q. Okay. Prior to your termination, did
2 you ever complain pursuant to this policy to HR?

3 A. About discrimination?

4 Q. Yes.

5 A. No.

6 Q. Okay. Did any of your employees
7 complain about you, to your knowledge?

8 A. Not to my knowledge.

9 Q. Okay. Got it. Okay.

10 MR. CAMPBELL: Let me take us off that.

11 Okay. Why don't we take a short break.

12 You want to come back at 3:25, Sam and Abbie?

13 Does that work?

14 THE WITNESS: Yes.

15 MR. ROBB: Yes.

16 (A recess was taken.)

17 BY MR. CAMPBELL:

18 Q. Okay. We're back after a short break.

19 Let me ask you: Did anybody during your
20 employment make any, any sex-based comments to
21 you?

22 Do you know what I mean?

23 A. During my employment at Cardinal?

24 Q. Yeah.

25 A. No.

1 Q. Okay. Did anybody make any
2 inappropriate comments to you?

3 A. No.

4 Q. Okay. How was it working at Cardinal?
5 I mean, obviously, we're now after discharge.
6 Prior to the discharge, what did you think of
7 Cardinal?

8 A. I enjoyed working at Cardinal. We had a
9 great team that I had in the Mentor office and we
10 accomplished some great results together during
11 the time I was there.

12 Q. Okay.

13 THE REPORTER: I'm sorry. Could I ask
14 you real quick, you said "prior to the" -- it
15 sounded like "district."

16 What was the word?

17 MR. CAMPBELL: "Discharge."

18 THE REPORTER: Discharge. Thank you.

19 Q. Okay. I'm going to share my screen and
20 show you what will be marked as Exhibit 2.

21 (Deposition Exhibit 2, Plaintiff's
22 Response to Defendant's First Set of
23 First Requests For Production, was
24 marked for purposes of identification.)

25 Q. Okay. Can you see that document?

1 A. Yes.

2 Q. Okay. Do you remember going through
3 some responses to a request for admissions with
4 your counsel?

5 A. Yes.

6 Q. Okay. And I'm just going to roll
7 through some of them. I think we just verified
8 that Cardinal's written policies included an
9 antidiscrimination policy, and you agreed with
10 that, right?

11 A. Yes.

12 Q. And they also prohibited harassment, and
13 you agreed with that, right?

14 A. Correct.

15 Q. Number 3, that you were responsible for
16 enforcing the policy against discrimination, you
17 agree with that?

18 A. Yes.

19 Q. And I take it you were responsible for
20 enforcing, at least in the Mentor branch, that
21 employee handbook, right?

22 A. Yes.

23 Q. Okay. What did you do when -- if you
24 were terminating an employee, did you have to run
25 it by HR?

1 we surpassed our goals.

2 And the impact that Mentor has on
3 Cardinal's bottom line is much greater than what
4 a Willoughby or a Lakeland or, say, an Ashtabula
5 would have, making sure that that goal was met
6 each month. And exceeding that goal is critical
7 to the overall company goal.

8 Q. Okay. Were there female branch managers
9 that were retained after the COVID reduction in
10 force?

11 A. That were retained?

12 Q. Yes, that were not picked to --

13 A. Yes, there were.

14 Q. Okay. How many?

15 A. To my knowledge, Meghan and the
16 Austintown branch manager were both female.

17 Q. Okay. Okay. So -- okay. Let me take
18 you to another exhibit. I'm going to take you to
19 Exhibit 3.

20 (Deposition Exhibit 3, Employee Verbal
21 Warning, Bates-labeled Cardinal000238 -
22 239, was marked for purposes of
23 identification.)

24 Q. Can you see that document on your
25 screen?

1 Q. Okay. You don't know if he got the same
2 type or anything along those lines?

3 A. He did not.

4 Q. He did not. Okay.

5 Did you think that the two pieces of
6 discipline were discriminatory?

7 A. No.

8 Q. Okay. Do you know of anybody else who
9 actually had been put on, I guess, put on -- any
10 other branch manager who was put on a 60-day
11 probationary period?

12 A. I don't know anyone specifically. It
13 was well known that it was a common occurrence
14 within Cardinal for people to be written up for
15 things of this nature.

16 Q. But you don't know of any -- you can't
17 point to anybody that has happened to?

18 A. Correct.

19 Q. Do you know if -- when COVID hit, if any
20 other branch managers were on a probationary
21 period?

22 A. I do not.

23 Q. Okay. Okay. Well, let me ask you --
24 and why don't we -- I'm going to share my screen
25 again.

1 businesses and many businesses not open.

2 That didn't, didn't surprise you or
3 shock you as a branch manager, looking at the
4 world and having uncertainties?

5 A. Well, as an essential employee in a
6 workforce where we didn't close, to your point
7 earlier, it did shock me that we were taking key
8 people out of the branch to not be able to manage
9 through what was happening in the world, to your
10 point. So yes, it did shock me.

11 Q. And, again, my question to you, Ms.
12 Shibe, was more to the point of -- I mean,
13 this -- we can agree that this was unique.

14 Certainly, in the last 30 years of your
15 banking experience, you've never had the federal
16 and state government coming in to say, hey, we're
17 going to shut down businesses --
18 [unintelligible] -- right?

19 A. I'm sorry. You broke up at the end
20 there.

21 Q. Over your 30 years in banking, have you
22 ever had a situation where state or federal
23 governments have come in and shut down many
24 businesses indefinitely?

25 A. I have not.

1 on their website.

2 Q. Okay. And what I was saying to you, Ms.
3 Shibe, was real simple.

4 On March 15th, or at the end of March,
5 we were going into a very uncertain time; would
6 you not agree with that?

7 A. I'd agree.

8 Q. Okay. And by the time the 60 days came
9 up -- and you're saying it was the end of March,
10 so we're talking June. In June in Ohio, many
11 businesses were reopening. In fact, I believe
12 most businesses were reopened by that time,
13 right?

14 MR. ROBB: Objection. You can answer.

15 A. I don't know whether most businesses
16 were opened or not as a whole.

17 Q. Okay. You weren't paying attention to
18 the market and what was going on with respect
19 to -- with respect to the openings of businesses
20 if you were seeking alternative employment?

21 A. I was seeking my employment through
22 the -- I was seeking my employment through the
23 computer. I didn't go to many places because I
24 was focused on looking for a job. And my income
25 was very much reduced on unemployment, so I was

1 Do you agree or disagree that heading
2 into COVID-19 and seeing many businesses shut
3 down by law, that that may necessitate in a CEO's
4 mind, hey, we should reduce staff in order to
5 maintain the profitability of the credit union?

6 MR. ROBB: Objection. You can answer.

7 A. I was reduced in staff. I was released
8 from Cardinal due to COVID-19. Do I agree with
9 that? I do not agree with that. Was it
10 necessary? I'm not a CEO, so I don't know.

11 Q. My question isn't whether your position
12 was necessary.

13 My question is: You're the CEO looking
14 at the fact that many of your credit union
15 members may not be working; that your branches
16 are not going to have individuals coming into the
17 branch; that you don't know what tomorrow is
18 going to be. Do you agree or disagree that a
19 reduction of force at a credit union would make
20 business sense?

21 MR. ROBB: I'm going to object again,
22 and you can answer.

23 A. I don't have enough facts as of -- to
24 what determining factors Christine or anyone else
25 looked at during that course, so I don't know.

1 hopefully once-in-a-lifetime experience here and
2 you're not thinking, what am I going to do to go
3 to my CEO and say, you know what, I'm being
4 proactive and I think we can reduce head count.
5 I think we can reduce hours. You weren't
6 thinking at all about that?

7 A. That wasn't my job because Christine, as
8 the CEO, had already come into play and had made
9 the changes in the plans and put it in place so
10 that she could retain the employees, as well as
11 the member service. And that's where she came up
12 with the A and the B team that went into effect
13 the Monday after I was terminated on the Sunday.

14 Q. Okay. Let me share my screen again.
15 (Deposition Exhibit 6, List of
16 additional employees terminated,
17 Bates-labeled Cardinal000269, was marked
18 for purposes of identification.)

19 Q. Okay. Can you see this document?

20 A. Yes.

21 Q. Okay. So it looks like here -- and I'm
22 going to represent to you that these are all of
23 the employees who were impacted by the COVID-19
24 March reduction.

25 Do you recognize any of these names?

1 A. I do.

2 Q. Okay. And who -- which one is your
3 assistant branch manager?

4 A. Jason Riter.

5 Q. Okay. Jason Riter.

6 And he's listed as loan officer. Was
7 that the wrong title?

8 A. He was the assistant manager, but yes.

9 Q. Okay. Anybody else from your branch?

10 A. Rona Snyder.

11 Q. Okay. Anybody else?

12 A. Rachel Spiker was a float. She was a
13 float to my branch and other branches.

14 Q. Okay. Anybody else?

15 A. Gil, Gilbert Vignero.

16 Q. Okay. What was Gil's position?

17 A. He was a loan officer.

18 Q. Okay. Anybody else?

19 A. Audrey Rasmussen was a part-time teller.

20 Q. At your branch?

21 A. Correct.

22 Q. Okay. Anybody else?

23 A. Kaitlin Stenger was a seasonal worker at
24 Mentor.

25 Q. Okay. So it looks to me that Mentor was

1 sex when making the decision? Why do you think
2 Ms. Blake would, as being a female CEO, would
3 somehow decide she wanted to eliminate somebody
4 because they were female?

5 A. Well, I would -- if I was the CEO, CEO
6 and I was looking at all of those things, I would
7 say this: The only person that was a female
8 manager that was released was myself in the list
9 that you just provided.

10 Q. Okay.

11 A. So the fact that my performance had been
12 what it was, managing the flagstar [sic] branch
13 of Cardinal, and the fact that Ms. Blake also
14 published my job 60 days later after she reduced
15 it due to COVID-19 and then filled it with a
16 less-performing male, that would tell me that I
17 was discriminated against.

18 Q. Okay. Well, my question to you is: Why
19 would Ms. Shibe -- or not Ms. Shibe -- Ms. Blake,
20 a female CEO, decide she wanted to discriminate
21 against you because you're female?

22 A. I don't know why Ms. --

23 MR. ROBB: Objection.

24 A. -- Blake made that decision. I don't
25 know when Ms. Blake made that decision.

1 Q. Okay. Well, I mean, that does seem a
2 little odd, right?

3 MR. ROBB: Objection. You can answer.

4 A. Again, I don't know why Ms. Blake made
5 that decision.

6 Q. Okay. Well, I guess I would say, you're
7 alleging that Ms. Blake made the decision because
8 of your sex, and I'm asking you, what makes you
9 believe that?

10 A. I guess I'll repeat what I just went
11 over.

12 So of your list, I was the only female
13 branch manager that was reduced that same -- for
14 the specific reason for COVID-19. And that
15 particular position was reposted 60 days later
16 and it was filled with a less-performing male.

17 Q. Okay. And I guess I would say it's one
18 thing to disagree, okay? Anybody can -- it's
19 natural and it makes sense and -- hey, I don't
20 think that I agree with that decision. I mean,
21 there's lots of decisions at law firms that, if I
22 were making them, I might make it differently,
23 but that doesn't mean that the decisions were due
24 to my race or my sex or my age. It may be that I
25 just disagree and it wasn't the right decision.

1 Q. Okay. And then, as to the other
2 branches, with respect to the other branch,
3 branch managers when you were let go, there was
4 Audrey Blews? B-L-E-W-S.

5 A. Yes.

6 Q. Okay. Meghan Berkman?

7 A. Correct.

8 Q. And then Rob Petrie?

9 A. Correct.

10 Q. Where was Rob the branch manager?

11 A. Lakeland College.

12 Q. Lakeland College.

13 Was Lakeland shut down, do you know?

14 A. I have no knowledge of that.

15 Q. Okay. Would it surprise you that the
16 Lakeland branch was actually shut down?

17 A. Would it surprise me? No, it wouldn't
18 surprise me. Huh-uh.

19 Q. Okay. Did you understand that it was
20 shut down due to COVID?

21 A. I had no knowledge that it was shut down
22 or if it was operating, you know, via a different
23 capacity. I have no idea.

24 MR. CAMPBELL: Okay. Okay. Why don't
25 we take a short break. Why don't we come back at

1 A. I -- Ms. Blake did not hire me because
2 she disliked women, no.

3 Q. Okay. Do you know, did she -- or do you
4 believe she discriminated against anybody else?

5 A. I have no knowledge of whether she did
6 or if she didn't.

7 Q. Okay. You have no knowledge. Okay.

8 Okay. Well, here's somebody who hired
9 you. You said that you got good evaluations, so,
10 presumably, you were happy at those times, right?

11 A. My evaluation was less than 30 days
12 before Ms. Blake decided to terminate me.

13 Q. Okay. Well, Ms. --

14 A. The same, the same evaluation where
15 Ms. Blake gave me a bonus, less than 30 days
16 before she decided to terminate me.

17 Q. Okay. Was the evaluation for 2019?

18 A. The evaluation was for 2019 and it
19 transpired and through, really, to the time that
20 I was evaluated, which was in the middle of
21 February of 2020.

22 Q. Okay. Well, was it -- I mean, however
23 you want to frame it. You have 30 days of
24 discipline in 2020, and most certainly your
25 evaluation for 2019 is not going to be negatively

1 A. It also says I also spoke with Cindy
2 about this one. That was the second one.

3 Q. Okay. Well, he says -- and I guess I
4 was -- when you were describing the turnover, I
5 was thinking it seemed to be a little abnormal.

6 And he mentions that, right? Turnover
7 in 2019 was abnormal, right?

8 A. It was abnormal, but, unfortunately,
9 when I took over the branch, we had a lot of
10 people that actually Mario had recruited and
11 hired that were not performing and had not been
12 disciplined or held to the standards. And that
13 was my job and I was told that when I was hired,
14 that I may have to, you know, review staff and we
15 may have to turn some staff because they weren't
16 meeting or exceeding the job expectations.

17 Q. Okay. Well, they don't blame the errors
18 that come up in 2020 on turnover, right?

19 A. Well, what I said was that one of the
20 reasons that we had some late things turned in
21 late and we had some things missing was the fact
22 that we had turnover and then we had some new
23 staff members and we were still taking care of,
24 you know, the most important thing, which was our
25 members.

1 that we just spoke about, which were the
2 components I spoke to Cindy about.

3 Q. Okay. Okay. So you got your review.
4 And so the review laid out -- I mean, certainly,
5 I guess I would say this: I don't see the review
6 as -- I mean, it would seem to me that I might
7 have a few concerns. I mean, especially if
8 you're getting that review later, right?

9 I mean, here's, here's, here's some,
10 some concerns that you are having on -- from
11 Mario, your manager, who is giving you some
12 concerns, and you're getting that right when
13 you're also getting disciplined, right?

14 A. Correct. My review was given to me over
15 two months late after it was supposed to be given
16 to me, and I had to get HR involved to even get
17 the review completed because one of the things
18 that we prided ourself on at Cardinal was making
19 sure that we had those reviews prepared and that
20 we had them delivered at those annual review
21 marks.

22 Q. Okay. So you had that issue with the
23 evaluation. So I certainly don't see that
24 evaluation -- I guess maybe I'm wrong -- as being
25 one that I would be happy with. I guess I would

1 say that would seem to me to raise some concerns
2 about whether they believed -- "they" being
3 Cardinal believed that my performance is good,
4 right?

5 A. Which is why, based on my performance, I
6 took those questions to Cindy.

7 Q. Okay. So then you get your two warnings
8 and they both say "probation." And you go from a
9 30-day probation to 60-day. I guess you asked
10 Mario, or did you ask HR about, hey, I want to
11 know what does this mean? Am I, am I close to
12 discharge?

13 A. There was no conversation of that
14 nature.

15 Q. Okay. Well, did you -- you didn't
16 think, hey, I want to find out because -- I mean,
17 to me, I guess I would say I certainly would be
18 looking at that and would have some concerns
19 as -- you didn't have any concerns being on
20 probation and having a 3.6 on your evaluation?

21 A. Well, according to Mario, a 3.6 was
22 great. So I guess you have to look at the
23 overall, you know, expectations and who is
24 looking at the -- who is looking at the skew.

25 According to Mario, he doesn't give any

EXHIBIT 4

Human Resources Signature: _____

Cindy DeVito

Date: _____

2/20/2020

*Employee signature indicates that the manager discussed the above matter with the employee and does not necessarily indicate the employee's agreement.